RLC:TMM
F# 2010R00732

M10- 439

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

LUIS HERNANDEZ,

Defendant.

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AFFIDAVIT IN SUPPORT OF ARREST WARRANT

(31 U.S.C. §§ 5316)

EASTERN DISTRICT OF NEW YORK, SS:

JOSEPH QUATTROCCHI, being duly sworn, deposes and states that he is a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about November 22, 2008, within the Eastern District of New York and elsewhere, the defendant LUIS HERNANDEZ, did knowingly, intentionally, and unlawfully attempt to transport monetary instruments of more than $10,000 from John F. Kennedy International Airport in Queens, New York, to and through a place outside the United States without filing a report as defined in Title 31, United States Code, Section 5316(b).

(Title 31, United States Code, Sections 5316(a)(1)(A) and 5322).

The source of your deponent's information and the grounds for his belief are as follows:[1/]

1. I have been a Special Agent with ICE for over two years. During my tenure with ICE, I have participated in numerous bulk cash smuggling and currency reporting investigations.

2. The facts set forth in this affidavit are based on personal knowledge and observations, a review of United States Customs and Border Protection ("CBP") records, and conversations with federal law enforcement officials.

3. Since 2008 ICE agents have been investigating a JetBlue Airways based drug trafficking and money laundering organization ("DTO") that smuggles narcotics, including cocaine, into the United States through John F. Kennedy International Airport ("JFK").

4. On or about early December 2008, ICE agents received information from special agents from the Drug Enforcement Administration ("DEA") concerning the defendant LUIS HERNANDEZ, a JetBlue Airways employee. On November 22, 2008, the defendant LUIS HERNANDEZ was a passenger on JetBlue Airways Flight 733 ("the Flight") from JFK to Santiago, Dominican

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[1/] Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

Republic. Upon the arrival of the Flight and during a secondary inspection, the Dominican Direcotrate General de Aduanas found the defendant to be in possession of $129,880 in United States currency in a carry-on bag, which he did not declare.

5. On or about December 10, 2008, the defendant LUIS HERNANDEZ returned to the United States from the Dominican Republic. Upon the defendant LUIS HERNANDEZ's arrival at JFK aboard JetBlue Airways flight 790 from Puerto Plata, Dominican Republic, the defendant LUIS HERNANDEZ was approached by agents from DEA and ICE. The defendant LUIS HERNANDEZ was brought into an interview room at ICE's offices at the International Arrivals Terminal at JFK and was advised of his Miranda rights, which he understood and waived. In sum and substance, the defendant LUIS HERNANDEZ told agents that he knowingly transported over $10,000 from within the United States to the Dominican Republic on November 22, 2008. The defendant further stated, in sum and substance, that he was carrying what he believed to be $30,000 for his friends, two of whom are fellow JetBlue Airways employees. The defendant stated that both as an airline employee and from having previously flown on international flights, he was aware of the currency reporting requirements. The defendant further stated, in sum and substance, that he did not fill out the requisite currency reporting form on November 22, 2008 to declare that he was transporting $10,000 or more from the United

States to the Dominican Republic. The defendant further told agents, in sum and substance, that he had concealed all of the money in his carry-on bag under Christmas decorations.

6. A subsequent investigation by ICE agents revealed that on November 22, 2008 the defendant LUIS HERNANDEZ was a passenger on JetBlue Airways Flight 733 from JFK to Santiago, Dominican Republic. Further, a search of the database of the United States Customs and Border Protection Agency revealed that the currency requirement form, Fin Cen 105, was not filed by the defendant LUIS HERNANDEZ on or about November 22, 2008.

WHEREFORE, your affiant requests that the Court issue an arrest warrant for the defendant LUIS HERNANDEZ so that he may be dealt with according to law.

JOSEPH QUATTROCCHI
Special Agent
ICE

Sworn to before me this
19 day of April 2010

S/ Levy

UNIT: JUDGE
EAST YORK